

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOHNNY KIRKLAND**

**PLAINTIFF**

**v.**

**CIVIL CASE 1:17-cv-135-HSO-JCG**

**INGALLS SHIPYARD  
CORPORATION**

**DEFENDANT**

*c/o J.T. Thorpe Settlement Trust*

**ORDER STRIKING PLAINTIFF'S SECOND AMENDED COMPLAINT**

Plaintiff's Second Amended Complaint (ECF No. 36) is stricken from the record for noncompliance with Federal Rule of Civil Procedure 15. Federal Rule of Civil Procedure 15(a)(2) applies under the circumstances and provides that "a party may amend its pleadings only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). Plaintiff did obtain written consent from Defendant or obtain leave of court before filing the Second Amended Complaint. Pro se litigants, like all parties, must abide by the Federal Rules of Civil Procedure. *See United States v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994).

**IT IS THEREFORE ORDERED** that Plaintiff's Second Amended Complaint (ECF No. 36) is stricken from the record.

**SO ORDERED**, this the 5th day of December, 2017.

*s/ John C. Gargiulo*

JOHN C. GARGIULO  
UNITED STATES MAGISTRATE JUDGE